



**STATE OF NEVADA**  
**COMMISSION ON ETHICS**  
<http://ethics.nv.gov>

**MINUTES**  
**of the meeting of the**  
**COMMISSION ON ETHICS**  
**June 30, 2008**

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics.  
A verbatim transcript of the open session proceedings, prepared by a certified court reporter,  
is available for inspection at the Commission's offices in Carson City and Las Vegas.

The Commission on Ethics held a public meeting on Monday, June 30, 2008, beginning at 1:00 p.m. at the following locations:

The Legislative Counsel Bureau, 401 South Carson St., Room 2134, Carson City, Nevada and the Grant Sawyer State Building, Legislative Counsel Bureau, 555 E. Washington Avenue, Room 4406, Las Vegas, Nevada.

The sites were connected by videoconference.

1. Call to Order, Roll Call.

Vice Chair Timothy Cashman called the meeting to order at 1:07 p.m., Monday, June 30, 2008. Present in Carson City were Commissioners Randall V. Capurro, Rick Hsu, Esq., Jim Kosinski, Esq., George M. Keele, Esq., Paul H. Lamboley, Esq., and John T. Moran, III, Esq. Absent was Chair Mark A. Hutchison, Esq.

Also present were Executive Director Patricia D. Cafferata, Esq., Adriana G. Fralick, Esq., General Counsel, Tami E. DeVries, Research Analyst, and Michelle A. Ené, Executive Assistant. Members of the public were asked to sign in and the sign in sheets are attached to the original minutes as Exhibit A.

2. Approval of minutes of the April 10, 2008 and May 7, 2008 meetings.

Commissioner Capurro moved for the approval of the minutes. Commissioner Moran seconded the motion. The motion passed unanimously. Commissioner Kosinski abstained from voting because he had not reviewed the minutes.

3. Action on the Matter of the Request for Opinion #07-48C to hear testimony, receive evidence, deliberate and render an opinion regarding the conduct of Dylan Frehner, former deputy district attorney, on an alleged violation of NRS 281A.400.10.

Commissioner Lamboley disclosed that he is under contract through the Attorney General's Office regarding the Yucca Mountain project. Transportation issues are his primary responsibility and on occasion he appears as counsel in proceedings in which Lincoln County is a participant. Lamboley stated that the relationship to the State of Nevada is not a conflict in this particular case between his private interests and the responsibilities he has as a member of the Commission are not compromised.

The following witnesses were called: Dylan Frehner, Philip Dunleavy and Ronda Hornbeck. They were administered an oath by the court report. Following testimony and deliberations, Commissioner Keele moved that the Commission find that no violation of Chapter 281A.400.10 occurred and that the complaint be dismissed. Capurro seconded the motion. The motion passed unanimously.

The finalized written Opinion will be posted on the Nevada Commission on Ethics website.

4. Action on the Matter of the Request for Opinion #08-07C to hear testimony, receive evidence, deliberate and render an opinion regarding the conduct of Laurayne Murray, President of the Pahrump Town Board, on an alleged violation of NRS 281A.420.2, NRS 281A.420.4 and NRS 281A.440.1.

The following witnesses were called: Laurayne Murray, John McDonald, Carl Joerger, Dan Sprouse and Dan Rust. They were administered an oath by the court reporter. Following testimony and deliberations, Kosinski moved that the Commission find that no violation of NRS 281A.400.2, NRS 281A.420.2 or NRS 281A.420.4 occurred and that those allegations in the complaint be dismissed. Moran seconded the motion. The motion passed unanimously.

Following additional deliberations, Kosinski moved that the Commission find that no violation of NRS 281A.440.1(a) occurred and that there was no evidence or insufficient evidence that Ms. Murray failed to comply with the restrictions and prohibitions in the Commission's earlier opinion, #06-03. Moran seconded the motion. The motion passed unanimously.

The finalized written Opinion will be posted on the Nevada Commission on Ethics website.

5. Action on Motion to Dismiss in the Matter of the Request for Opinion #07-50C regarding the conduct of Frank Reeves, member of the McDermitt Sewer Board.

Lambole moved to dismiss the complaint. Moran seconded the motion. The motion passed four to one, with Commissioner Hsu voting no.

6. Action on Proposed Regulations following the Legislative Review and Workshop for Public Comments Held on June 19, 2008.

Executive Director Cafferata stated that a workshop was held on June 19, 2008 on legislative proposals and there were no public comments. The deadline to submit written comments was June 27, 2008 and no written comments were received. The regulations were submitted to the Legislature for their review. The Legislature did not like three of the proposals and those items are not included in the package being presented to the Legislature.

Cafferata stated that she was able to pay the Legislature \$1,000 dollars to review the Commission's regulations.

Research Analyst DeVries stated that the Legislature did not reject anything but they had concerns and certain language was reworded. The draft now states that waiving the 45-day time deadline on advisory opinions is a voluntary waiver.

DeVries also stated that the other concern was the delegation by the chair of duties to the Executive Director regarding panel assignments. The Legislature put some language in that talks about assignment and delegation of duties to the Executive Director but not specifying that panel assignments may or may not be made by that individual.

DeVries stated that she did not recall a third item. She stated that she and Counsel did work with the Legislature on the definition of consanguinity or affinity and ended up with the actual consanguinity chart, with some revisions thereto to be adopted in the regulation.

DeVries said that the next step will be in July to hold an adoption hearing on the proposed regulations. Then the proposed regulations will be sent to the Legislature for review of any amendments that were made. An informational statement of how the process was conducted will be included. The regulations will be approved by the Legislative Commission at one of their meetings. Then the regulations are filed with the Secretary of State, and they become effective on that date.

7. Discussion on Commissioners' waiver of \$80 salary per meeting granted pursuant to NRS 281A.210.2 for fiscal year 2008-2009.

Cafferata stated that a letter will go out to the Commissioners and they can decide for which meetings, if any, they are willing to waive their statutory salary. Keele cautioned the Commissioners that, by waiving their statutory \$80 monthly salary, they may be sending the

wrong message to the Legislature that prospective future appointees to the Commission do not need the monthly salary. Moreover, it may also be construed that the Commission is only an advisory body and all that the Commission has worked for in the last 30 years may be lost.

8. Action on Proposed Cuts to Commission Budget for 2010-2011.

Cafferata stated that the Commission's budget is around \$700,000 a year and the FY10 and FY11 proposed 14 percent budget cut is around \$100,000. She stated that \$600,000 is for salary and benefits. Cafferata stated that to make that kind of deduction either a position will need to be cut or the Las Vegas office closed. She stated that there is nothing else to cut. Moran stated that he would like to figure out a way not to lose a position and still to keep a presence in Las Vegas. Moran stated that the Commission should look for alternatives. He stated that if the Commission loses a position or an office it will be difficult to get it back.

Hsu asked Cafferata if the Commission could get out of the current lease or explore getting lower rent and save costs that way. Cafferata stated that the office is exploring either sharing office space with another agency or having other agencies share our space.

Cafferata stated that neither of the choices is one that she wants to make. Cashman stated that there is a significant opportunity for the Commission to plead their case to the Legislature and that is what the Commission will have to do.

9. Discussion on the Litigation Report and Legislative Counsel Bureau's participation in the appeal on Mike Carrigan, Sparks City Council Member, Opinion #06-61; #06-62; #06-66 and #06-68.

This item was deferred to the next meeting.

10. Report by Executive Director on staff activities, including annotations submitted to Legislative Counsel Bureau on Nevada Revised Statutes, Training Sessions completed, status of Investigator position, Ethics Manual, new Commissioners and other related matters.

Cafferata introduced the new investigator, Michel Vavra, to the Commissioners and staff. Vavra gave a short biography of himself to the Commissioners and staff.

11. Awards for service on the Ethics Commission to Commissioners Rick Hsu and Jim Kosinski.

Vice Chair Cashman thanked Commissioners Hsu and Kosinski for their eight years each of service on the Ethics Commission. Commissioner Hsu was presented with a special recognition plaque from the Office of the Governor. Commissioner Kosinski was presented with a framed Legislative Commission's resolution from the Legislature.

12. Public comment.

No public comment was made.

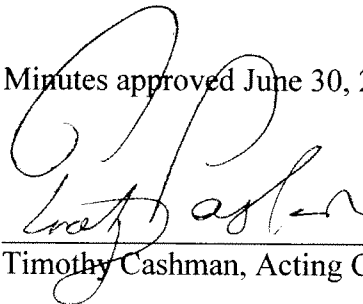
Cashman thanked Moran for providing transportation to staff and himself to and from Carson City.

Cashman adjourned the meeting at 5:33 p.m.

Minutes transcribed by:

  
Michelle A. Ené, Executive Assistant

Minutes approved June 30, 2008:

  
Timothy Cashman, Acting Chair

**NEVADA COMMISSION ON ETHICS  
NEVADA STATE LEGISLATURE, ROOM 2134, CARSON CITY, NEVADA  
JUNE 30, 2008 AT 1:00 P.M.**

[illegible]

# NEVADA COMMISSION ON ETHICS - PUBLIC MEETING

## SIGN-IN SHEET

Monday, June 30, 2008

Legislative Counsel Bureau, 555 E. Washington Avenue, Room 4406, Las Vegas, NV 89101

NAME	MAILING ADDRESS	PHONE	EMAIL	REPRESENTING
Dylan Fieher	P.O. Box 195 Pahrump, NV 89042	775-762-2573	dfeher@gmail.com	
Tyran Lytle		775-726-3333		Lincoln County Board
John M. Albrecht	3170 Scalesway Pahrump, NV 89060	775-757-1852	—	Town of Pahrump
Col. Lisa	1231 E. Basin #9 Pahrump, NV	775-2500	—	Town of Pahrump
Louise Murray	6820 S Surrey Pahrump, NV	775 537-6526		Self